

While the draft of December 2, 1978 eliminated Rule 61E of the previous draft, its substance was included in Rule 61A(2) together with the additional sentence: "A specific designation by a jury that no amount of money shall be had complies with this subsection." The amended comment states the Council's reasoning.

As noted by the Council, the language of Rule 61B and C is taken from Rule 49(a) and (b) FRCP. By superseding ORS 17.405 through ORS 17.425 the Council has broadened and liberalized the procedure for returning special verdicts. Some of the considerations involved using interrogatories as the basis for a special verdict are reviewed in a law review note at 4 Willamette Law Journal 86-96 (1966).